

s/ John S. Bryant
U.S. Magistrate Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SHEM and MEREDITH MALMQUIST, Plaintiffs	Case No. 3:10-01014
VS	Hon. Bryant
METROPOLITAN GOVERNMENT OF NASHVILLE and DAVIDSON COUNTY, TENNESSEE, and GERMANTOWN, TENNESSEE, Defendants	

**MOTION FOR LEAVE TO FILE RESPONSE TO DEFENDANT’S MOTION TO
DISMISS**

Plaintiffs move for leave to file their response to Defendant’s motion to dismiss. The deadline to file had been extended until April 27. (D.E. 30) Unfortunately, on April 27, tornadic activity and severe thunderstorms raged through Rutherford County all day with associated flooding. Electric power was intermittent and unreliable at counsel’s office throughout the day with several power outages that caused quite a disruption to counsel’s attempts to finish this response. After about the fourth power outage of the day, counsel’s main working computer suffered a serious corruption to a critical Windows file and counsel had to continue working on this brief on a 14 inch display laptop, making it very difficult and uncomfortable. Technical assistance to correct the corrupt files was scheduled for April 28 as the earliest available time.

Defendants are not prejudiced by this small tardiness in filing and, since counsel stayed up all night to finish the brief once the storms had passed for the day, Defendant will actually receive the brief at the same time it would have otherwise (the morning of the 28th in other words).

Therefore, Plaintiffs move for leave to file their response.